

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

RICHARD KIM,

Defendant.

**Affirmation in Support of
Application for Order of
Continuance**

25 Mag. 1205

State of New York)
County of New York : ss.:
Southern District of New York)

Ryan T. Nees, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Jay Clayton, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated April 13, 2025, with violations of 18 U.S.C. §§ 1343 & 2; 15 U.S.C. §§ 78j(b), 78ff; and 17 C.F.R. § 240.10b-5. The defendant was arrested on April 15, 2025, and was presented in this District before Magistrate Judge Sarah L. Cave on April 15, 2025, at which proceeding the defendant was represented by Kristoff Williams, Esq., and ordered released on conditions.

3. At the presentment on April 15, 2025, a preliminary hearing was scheduled for May 15, 2025, after defense counsel consented to extend the deadline within which to conduct a

preliminary hearing. Under the Speedy Trial Act, the Government had until May 15, 2025, within which to file an indictment or information. *See* 18 U.S.C. § 3161(b).

4. On May 15, 2025, Magistrate Judge Valerie Figueredo entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until June 14, 2025.

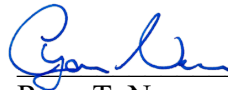
5. On June 12, 2025, Chief Magistrate Judge Sarah Netburn entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until July 14, 2025.

6. Defense counsel and I have had discussions regarding a possible disposition of this case. The parties plan to continue our discussions, but do not anticipate a resolution before July 14, 2025.

7. Therefore, the Government requests a 30-day continuance until August 13, 2025, to continue the foregoing discussions toward resolving this matter. On July 9, 2025, I personally corresponded with defense counsel, who stated that the defendant consents to an extension of the preliminary hearing and Speedy Trial Act deadlines to August 13, 2025, and has specifically consented to this request.

8. For the reasons stated above, good cause supports the extension of the preliminary hearing deadline, and the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
July 14, 2025



Ryan T. Nees
Assistant United States Attorney
212-637-1595